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10 Attorneys for Plaintiffs,
11 INTERSCOPE RECORDS; WARNER
12 BROS. RECORDS INC.; UMG
13 RECORDINGS, INC.; and SONY BMG
14 MUSIC ENTERTAINMENT

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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13 INTERSCOPE RECORDS, a California general
14 partnership; WARNER BROS. RECORDS
15 INC., a Delaware corporation; UMG
16 RECORDINGS, INC., a Delaware corporation;
17 and SONY BMG MUSIC ENTERTAINMENT,
18 a Delaware general partnership,

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20 Plaintiffs,

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22 v.

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28 CHRISTOPHER RODRIGUEZ,

Defendant.

CASE NO. 3:08-cv-01652-MMC

**NOTICE OF WITHDRAWAL OF PROOF
OF SERVICE OF SUMMONS AND
COMPLAINT (DOCKET NO. 19)**

AND ORDER THEREON

1 Plaintiffs INTERSCOPE RECORDS, *et al.*, hereby withdraw their Proof of Service of
2 Summons and Complaint, filed on September 29, 2008, and entered as Docket No. 19. Plaintiffs
3 have since learned that the wrong individual was served, based on Plaintiffs' reliance on the address
4 information initially provided by Defendant's Internet Service Provider ("ISP") in response to
5 Plaintiffs' subpoena. The ISP (here, California State University, Monterey Bay – "CSUMB")
6 identified the correct individual as the Defendant, but provided an erroneous address for Defendant.

7 Plaintiffs discovered the error when the individual served contacted Plaintiffs counsel on
8 September 29, 2008 and informed Plaintiffs that he was not the Defendant in this matter. Upon
9 receiving this information, Plaintiffs contacted CSUMB and confirmed that the wrong address was
10 provided in the subpoena response, and that as a result, Plaintiffs had served the wrong individual.
11 Accordingly, Plaintiffs wish to withdraw the Proof of Service filed on September 29, 2008, and
12 entered as Docket No. 19. Plaintiffs respectfully request that the Court reinstate the December 23,
13 2008 deadline to effectuate service.

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15 Dated: October 15, 2008

HOLME ROBERTS & OWEN LLP

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17 By _____ /s/ *Dawniell Zavala*
18 DAWNIELL ZAVALA
19 Attorney for Plaintiffs
20 INTERSCOPE RECORDS; WARNER BROS.
RECORDS INC.; UMG RECORDINGS, INC.;
and SONY BMG MUSIC ENTERTAINMENT

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23 IT IS SO ORDERED; specifically, the December 23, 2008 deadline to effectuate service on
24 defendant is hereby REINSTATED.

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26 Dated: October 16, 2008


27 United States District Judge